



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET - SUITE 300
DENVER, COLORADO 80202-2466

March 24, 2003

Ref: 8ENF-T

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Jack Long, Director
North Dakota Department of Health
Environmental Health Section
Division of Municipal Facilities
1200 Missouri Avenue
P.O. Box 5520
Bismarck, North Dakota 58506-5520

NOTICE OF VIOLATION
Docket No. **SDWA-08-2003-0009**

Re: City of Sibley
Barnes County, ND
PWS# ND0200882

Dear Mr. Long:

The above referenced public drinking water system has violated certain provisions of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300f, et seq. and the National Primary Drinking Water Regulations at 40 CFR Part 141. The violation consists of one exceedance of the maximum contaminant level (MCL) for Nitrate. Our records, obtained from the NDDH and SDWIS-Fed indicate the violations noted below. Please notify Olive Hofstader of my staff at (303) 312-6467 within 20 days if your records show any discrepancies with these determinations of violation.

Date of
Violation

Violation

2002

Exceeded Nitrate (MCL). (40 CFR §141.62(b))

This NOTICE OF VIOLATION is issued pursuant to Section 1414(a) of the SDWA, 42 U.S.C. § 300g-3(a). If the State does not commence appropriate enforcement action within 30 days from the receipt of this notification, the Environmental Protection Agency (EPA) is authorized either to issue an Administrative Order under Section 1414(g) requiring the public water system to comply with the regulations or requirements, or to commence civil action under Section 1414(b).

Please inform EPA of any change in the compliance status of this system. You may wish to confer with my staff to determine the Agency's position concerning this system and to exchange appropriate information. If the State does not commence appropriate enforcement action within 30 days



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from the receipt of the notification, EPA will proceed with issuance of an administrative order. The technical contact for this case is Olive Hofstadter.

A copy of this NOTICE OF VIOLATION has been concurrently sent to the system identified above. Also enclosed for the benefit of the Respondent is a copy of EPA's Small Business Regulatory Enforcement and Fairness Act (SBREFA) fact sheet containing information on compliance assistance resources and tools available to small businesses. EPA has agreed to notify small businesses of their right to comment on regulatory enforcement activities at the same time of an Agency enforcement action. SBREFA does not eliminate a Respondent's responsibility to comply with the Act, nor does it create any new defenses under the law.

Sincerely,

SIGNED

Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosure

cc: Jeff Hauge, Assistant Director
Larry Thelen, Drinking Water Program Manager
Mike Schuler, Mayor of City of Sibley

**THIS DOCUMENT WAS FILED IN THE REGIONAL HEARING CLERK'S OFFICE ON
MARCH 24, 2003.**



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